

Serial No. 10/027,808
Docket No. 29757/AG64

REMARKS

This paper is filed in response to the Final Office Action dated February 6, 2004. Because this paper is transmitted by facsimile on April 6, 2004, the paper is timely filed. Moreover, because the paper is transmitted on April 6, 2004, the paper is filed within two months of the mailing date of the February 6 Office Action.

I. Status of Amendments

Claims 21-49 were pending prior to this amendment. By this response, applicants amend independent claims 21, 31, 35 and 37. Thus claims 21-49 remain pending.

Because applicants previously paid fees for 5 independent and 29 total claims, applicants' present amendments do not require a further fee to be paid.

II. Response to the February 6 Office Action

On March 31, 2004, the undersigned telephonically interviewed the examiner in regard to the February 6 Office Action. During the interview, the undersigned and the examiner discussed the term "collectively." The undersigned proposed several possible amendments in regard to the term "collectively", although no agreement was reached. The undersigned and the examiner also specifically discussed a proposed amendment of the term "collectively" in the context of claim 21, and the relationship between the proposed amendment, the examiner's rejections under 102(e) and 103 in the February 6 Office Action, applicants' arguments of the Amendment of November 17, 2003, and the comments in paragraph 10 of the February 6 Office Action. While again no agreement was reached, the undersigned agreed to present applicants' amendments and arguments by way of an Amendment After Final Pursuant to 37 C.F.R. 1.116, and does so as follows.

Initially, while not addressed during the interview, claim 35 was objected to in the February 6 Office Action for alleged antecedent basis issues. Applicants have amended claim 35 to replace "a player" with "the player."

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Further, claims 21-42 were rejected in the February 6 Office Action under 35 U.S.C. §112, second paragraph. Claims 21, 25, 27, 28, 30, and 37 were also rejected under 35 U.S.C. §102(e) as allegedly anticipated by Nulph (U.S. Patent No. 6,234,899), claims 22, 23, 26, 29, 31, 36, 38, and 39 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nulph, and claims 24, 32-35, and 40-42 were rejected as unpatentable over Nulph in view of McNabola (U.S. Patent No. 6,368,213). In keeping with the discussion of the March 31 interview, applicants submit that claims 21, 31 and 37, as amended, distinguish Nulph and McNabola, whether taken individually or in combination.

For example, claim 21 now recites a multiple game entry form including a plurality of gaming spaces, each gaming space having a unique indicator, and a plurality of selectable selection spaces associated with each of the gaming spaces. The number of selection spaces associated with each of the gaming spaces is fixed, and a selection space associated with one of the gaming spaces together with a selection space from each of the other gaming spaces defines one of a plurality of separate game sets.

Applicants initially submit that claim 21, as amended, addresses the examiner's comments at paragraph 10 of the February 6 Office Action regarding the applicability of the applicants' arguments of the November 17 Amendment in light of the language of the claims while maintaining at least the originally intended scope of the claim. That is, claim 21 recites that a selection space associated with one of the gaming spaces together with a selection space from each of the other gaming spaces defines one of a plurality of separate game sets. Thus, claim 21 distinguishes both Nulph and McNabola based on the fact that neither Nulph nor McNabola discloses, teaches or suggests combining allegedly corresponding selection spaces from the allegedly corresponding gaming spaces to define a game set.

In particular, as originally stated in the November 17 Amendment, Nulph does not disclose, teach or suggest all of the limitations of claim 21. Specifically, the allegedly corresponding "game spaces" ("Play A" and "Play B") and "selection spaces" (1-80) of Figure 3A do not meet the limitations of claim 21. That is, the spaces 1-80 in Play A taken together define a game that is separate from the game defined by the spaces 1-80 in Play B. No game set is defined according to spaces 1-80 of both Plays (i.e., of "Play A" and "Play B"). Therefore, the above recited limitations cannot be met by Nulph, and there is nothing in Nulph that teaches or suggests such a limitation.

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Likewise, McNabola does not disclose, teach or suggest all of the limitations of claim 21. At col. 3:33-40, McNabola does state (with reference to Figure 1):

To provide a means to play "ways", the device 10 includes a plurality of way buttons 26a-e designated as "Group 1" through "Group 5", etc. Alternatively, the way buttons 26a-e could designated as "Way 1" through "Way 5". Each group selected by the player denotes a way W_1 - W_N to be played by the player. As described below, to play ways the player will depress the way buttons 26a-e in sequence and designate the numbers of each way (W).

McNabola also states at col. 4:55-57 (with reference to Figure 3) that:

[T]he player's selections of each of the three ways includes a common, or king, number 42 of 56.

However, McNabola further states that the common, or king, number is displayed using a dynamic display. For example, in col. 2:35-40, McNabola states:

Where a number is a king number, i.e., is a number commonly used in a plurality of ways, the processor can control the display to distinguish the king number from the selected ways. The processor may control the processor to display the king number at [sic, as] bisected or trisected and each section including the color of a corresponding way.

As such, "the number of selection spaces associated with each of the gaming spaces being fixed" is not disclosed, taught or suggested by McNabola.

Furthermore, one of ordinary skill in the art would not combine Nulph and McNabola, because they teach away from each other and away from the claimed subject matter. Nulph shows playslips having two separate game grids printed thereon (i.e., "Play A" and "Play B"), and each of the game grids has a complete set of indicia for that game, as shown in Figures 3, 3C, 5, and 6. It is the applicant's belief that if a third game were to be included on Nulph's playslip, another game grid (e.g., "Play C") would be required, having its own complete set of indicia. McNabola, conversely, discloses a single game grid that dynamically displays a number of "ways." As such, the two references appear to teach or suggest different displays of game information, which are opposed to each other and teach away from the subject matter of, for example, claim 21, which recites a plurality of gaming spaces with a plurality of selectable selection spaces, the number of selection spaces associated with each of the gaming spaces being fixed and a selection space associated with one of the gaming spaces together with a selection space from each of the other gaming spaces defining one of a plurality of separate game sets.

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Furthermore, it is the applicant's position that the arguments made relative to claim 21 and Nulph/McNabola are applicable with equal force to independent claims 31 and 37. Claim 31 recites language substantially similar to that recited in claim 21; therefore, the arguments above apply equally. Claim 37 recites, similar to claim 21, a selectable selection space disposed in each corner of each of a plurality of gaming spaces, and a selection space disposed in one of the corners of one of the gaming spaces together with a selection space disposed in one of the corners of each of the other gaming spaces defining one of a plurality of separate game sets; the arguments above should apply here as well.

As to claims 43-49, these claims were allowed in the February 6 Office Action. Therefore, applicants submit no additional amendment or argument in regard to these claims.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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